

**MINUTES**  
**Crested Butte Town Council**  
**Regular Council Meeting**  
**September 6, 2011**  
**Council Chambers, Crested Butte Town Hall**

Mayor Leah Williams called the meeting to order at 7:06 p.m. Council members present: Jim Schmidt, John Wirsing, Daniel Escalante, Reed Betz (arrived at 7:08) Phoebe Wilson and Roland Mason. Staff Present: Town Manager Susan Parker, Town Attorney John Belkin, Town Clerk Eileen Hughes and Town Planner John Hess (for part of meeting).

**APPROVAL OF AGENDA**

Escalante moved and Schmidt seconded to approve the agenda as presented. A roll call vote was taken with all present voting "Yes." **Motion passed unanimously.**

**CONSENT AGENDA**

A) Approval of Minutes of August 15, 2011 Regular Council meeting.

Schmidt moved and Wirsing seconded to approve the Consent Agenda with the minutes amended to correct two typos. A roll call vote was taken with all present voting "Yes." **Motion passed unanimously.**

Betz arrived at 7:08 p.m.

**PUBLIC COMMENTS**

None

**STAFF REPORTS**

John Hess:

- The affordable housing committee will meet again on Monday September 12, 2011 to consider revisions to the Affordable Housing ordinance concerning fees for commercial construction. He anticipates introduction of an ordinance at the September 19, 2011 Council meeting.

Eileen Hughes:

- The Clerk's office conducted a drawing last week to determine the order of candidate names on the November 1, 2011 ballot. She certified the content of the ballot to the County Clerk. The election will be a mail ballot election and the County Clerk's Office recently informed her that that a ballot drop box cannot be located in Town Hall due to security regulations determined by the Colorado Secretary of State.
- Deputy Town Clerk Carmen Bell received her "Certified Municipal Clerk" designation.
- The special meeting scheduled for September 27, 2011 for the annual performance review of the Town Manager was inadvertently omitted from the meeting schedule on the agenda.

Susan Parker:

- She opened the proposals submitted for residential trash and recycling services in Crested Butte and Mt. Crested Butte. She will meet with Mt. Crested Butte Town Manager Joe Fitzpatrick next week. She will present information to the Council at the September 19, 2011 meeting.

### **PUBLIC HEARINGS**

A) Special Event Application – Vinotok Committee – Vinotok – 5 p.m. to 10 p.m. September 24, 2011 Elk Avenue & Chamber Parking Lot.

Mayor Williams confirmed with the Town Clerk that proper public notice of the public hearing was given. Vinotok representatives Molly Murphee, Bob Wojtalik and Nancy Wicks were present.

Vinotok fire plan coordinator Bob Wojtalik said he recently met with Crested Butte Fire Protection District (CBFPD) representative Scott Wimmer and Chief Marshal Tom Martin regarding the fire plan. Wojtalik said not much has changed from the plan presented by the Vinotok committee, but there will be some improvements. Wojtalik said he will supervise the building of the fire and will personally guard the fire site from inspection up to the start of the event.

Town Clerk Eileen Hughes explained that Chief Martin communicated to her that he was comfortable with Wojtalik's plan to guard the fire and that he recommends approval of the Vinotok special event permit contingent upon minor details being agreed to by Fire Chief Rick Ems (when he returns from vacation), the Vinotok Committee and the Marshal's Department.

Wojtalik explained that Scott Wimmer agreed with him that it may not be necessary to place a metal grate under the fire. Wojtalik said he is proposing that pallets be used instead of a metal grate and he plans to conduct a test burn using pallets.

Murphee said there's much more to the Vinotok festivities than the bonfire which gets the most attention; she said there are story-telling events and a community feast. Additionally, Murphee pointed out that the event has consistently been voted a locals favorite and there are more than 100 volunteers involved in putting on the event, which requires more organization than meets the eye. Murphee said the Tourism Association heavily promotes the event and local bars and restaurants owners have told her that business is brisk on Vinotok.

There were no public comments.

Betz moved and Mason seconded to approve a special event permit for Vinotok contingent upon agreement from the Marshal's Department, the Crested Butte Fire Protection District and the Vinotok Committee on the fire plan for the event. A roll call vote was taken with all voting "Yes." **Motion passed unanimously.**

## **NEW BUSINESS**

### **A) Annual Report to Council - Municipal Court Judge Ben Eden.**

Crested Butte Municipal Court Judge Ben Eden said last year he reported that the case load was falling and that the trend is continuing this year at both the county and municipal level. Eden reported he conducted the first jury trial in the Town of Crested Butte in 14 years and the case involved possession of less than one ounce of marijuana. Eden noted a few interesting cases this past year, including a naked bicyclist who was charged with disorderly conduct. Eden said he agreed with the Marshal's charging the offender with disorderly conduct rather than indecent exposure, which would have classified him as a sex offender.

Eden said he may "re-tweak" the Town's court fine schedule and may consider, for example, increasing the \$200 fine for disorderly conduct to be more in-line with County fines and community service fees which amount to almost \$300. Additionally, Eden said the state fine for possession of less than one ounce of marijuana is more than \$300 and the Town's fine is \$100. Eden said the courts are seeing far fewer marijuana cases, which is likely due individuals obtaining medical marijuana cards. Eden pointed out that statistics indicate that only 4% to 8% of medical marijuana card holders have serious medical conditions such as cancer.

Eden reported that he himself was the "victim of a crime" when a County Court offender threatened by telling the County Court Clerk that he was "going to get the judge." Eden said the case serves as an example that staff are subject to concerns from unbalanced people and should keep their "ears open" for comments.

Council asked Eden how he determines leeway in imposing fines. Eden responded that he considers the offender's criminal history (if he is aware of the history), if the offense was violent and the offender's level of cooperation with police officers.

### **B) Crested Butte Nordic Council Request for \$3,000 From the Service Grant Reserve For Grooming of Nordic Track on the Town Ranch.**

Mayor Williams said she spoke with Crested Butte Nordic Council (CBNC) Director Keith Bauer and most of the Council earlier today about the request for funding. Williams said \$5,500 remains in the 2011 service grant fund.

Bauer introduced Nordic Council Board members John Meyer, Aaron Huckstep and Skip Berkshire. As noted in his memo to Council dated August 31, 2011, Bauer said the CBNC Board is struggling with the cost of grooming the Town Ranch due to diminished funding. Bauer said five years ago the CBNC received \$10,000 from the Town of Crested Butte for operating expenses and \$10,000 from Gunnison County for capital expenses. This year, he said, contributions from the Town and the County are down to zero.

Bauer explained that Mt. Crested Butte contributes \$4,500 to CBNC for grooming the recreation path; the Skyland Property Owners Association and the Gunnison Metropolitan Recreation District each contribute \$4,500 for grooming trails; and the Riverbend Property Owners Association contributes \$1,500 for grooming trails at Riverbend. Bauer said the CBNC does not plan to groom the trails on the Town Ranch this winter unless there is a funding source.

CBNC Board member Skip Berkshire said the CBNC cannot be expected to provide grooming for free. Berkshire said the request for funds for grooming the Town Ranch this winter is an attempt to "buy time" and come up with a good solution for the long term. Several council members commented that free skiing at the Town Ranch can be considered an extension of Town parks and Council should figure out a way to fund grooming at the Town Ranch in the future. Town Manager Susan Parker said the Town is considering a ballot question next November for a parks maintenance levy.

Escalante moved and Wilson seconded to approve \$3,000 from the 2011 Service Grant Fund to the Crested Butte Nordic Council for grooming Town Ranch nordic trails. A roll call vote was taken with all voting "Yes." **Motion passed unanimously.**

Schmidt moved and Betz seconded to establish an ad hoc committee of staff, Crested Butte Nordic Council representatives and two Town council members to meet over the winter to discuss Crested Butte Nordic Council trails. A roll call vote was taken with all voting "Yes." **Motion passed unanimously.**

C) State Historic Fund Covenant for Historic Depot Grant.

Parker said the request for a covenant for the Depot is straight forward and means if the Town wants the grant it needs to approve placing a covenant on the Depot. There was no Council discussion.

Schmidt moved and Betz seconded to approve the State Historical Fund, Colorado Historical Society requirement to place a covenant on the Denver and Rio Grande Railroad Depot located at 716 Elk Avenue as a condition of the grant award by the State Historical Fund, Colorado Historical Society. A roll call vote was taken with all voting "Yes." **Motion passed unanimously.**

D) Ordinance No. 16, Series 2011 - An Ordinance Amending The Town's Subdivision Regulations By Amending The Definitions, Fees, Major Subdivision Sketch Plan Submittals, Major Subdivision Preliminary Plan Submittals, Major Subdivision Dedication Requirements, Major Subdivision Design Standards And Wetland Functional Analysis.

Mayor Williams read the title of the ordinance. Town Planner John Hess said the Council held four work sessions and three-four committee meetings on Ordinance 16, Series 2011. Hess said a council member suggested inserting "energy generation" to the last paragraph of page 25 of the ordinance. Another council member suggested the ordinance be reviewed by a business student. Parker suggested the ordinance undergo a "public policy economic feasibility analysis." Parker added that the analysis could be undertaken as a graduate level class project.

Betz moved and Schmidt seconded to set Ordinance No. 16, Series 2011 for public hearing on September 19, 2011 with an amendment to the last paragraph at the bottom of page 25 to insert "energy generation." A roll call vote was taken with all voting "Yes." **Motion passed unanimously.**

**LEGAL MATTERS**

Town Attorney John Belkin:

- Noted his memo to Council dated August 31, 2011 regarding the Real Estate Transfer Excise Tax (RETT). Belkin said he's been getting responses on the topic from the Colorado Municipal League's Attorney list serve. Belkin added he will come back to Council with an ordinance making minor revisions to the Code regarding "governmental instrumentality."
- He recently met with the Town Clerk regarding the medical marijuana ordinance. There are still outstanding items to be addressed by Council such as: grow operations, infused products and the number of medical marijuana centers that will be allowed. He plans to "refresh" an earlier memo he sent to the council on the outstanding items.

## **COUNCIL REPORTS AND COMMITTEE UPDATES**

Jim Schmidt:

- Work on the drainage near the Saddle Ridge side of the Lupine Trail is expected to occur this week. The Kochevar trails committee will meet on September 21, 2011 to review the Lupine Trail and the extension of the trail.
- The Gunnison County Land Preservation Board (LPB), on which he serves representing the Town, received a request for funds to help preserve 140 acres of land in Gunnison County south of Crawford. The acreage is part of a larger parcel of land located in Delta County. Schmidt asked the Council if they had any objections to the LPB contributing funds for the project. Council did not voice any objections.
- Announced that he is withdrawing his candidacy for Mayor and distributed letters to the Council and the Town Clerk.
- Asked Council if the time of the performance reviews of the Town Manager and the Town Attorney can be moved to later in the day so he does not miss too much work. Council agreed to the change the times to 2:30 p.m. instead of 1 p.m.

Leah Williams:


- Asked the Council to turn in their Town Manager and Town Attorney evaluation forms.

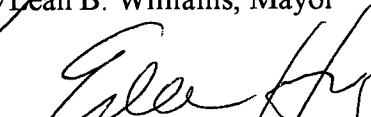
Roland Mason:

- The C.S. Irwin Snow Cat tore up a section of Belleview Avenue in front of the C.S. Irwin building. Parker noted the Public Works Director has been informed and C.S. Irwin will be billed for the repairs.

## **ADJOURNMENT**

Mayor Williams adjourned the meeting at 8:40 p.m.

  
Leah B. Williams, Mayor

  
Eileen Hughes, Town Clerk

(SEAL)

